
Theresa L. (Terri) Gale

April 5, 2023

Judge Andrew M. Edison
United States Courthouse
601 Rosenberg, Seventh Floor
Galveston TX 77550

RE: Civil Action No. 3:22-cv-7 T&W HOLDING COMPANY, LLC; PALAPAS, INC.; and
IT'S FIVE O'CLOCK HERE, LLC; v. CITY OF KEMAH, TEXAS

Your Honor:

As you may be aware, I am a witness in the case referenced above. I am the former mayor of the city of Kemah, having served in this position from May, 2019, through May, 2021. I have no financial, personal, or political interest in the property involved, the company, or this case or anyone affiliated with it, nor do I live, own property or business, or vote in the city of Kemah. I am writing to inform the court of information that I believe has been concealed from the court.

I have firsthand knowledge of documents that exist but have been concealed by the city from the court, in the form of email correspondence, as well as calls and text messages, that I authored in my capacity as Mayor during the March, 2021 – May, 2021 timeframe. The emails not produced include, but are not limited to, an email from me in April, in which I take issue with then-Building Official Brandon Shoaf and City Administrator Walter Gant for acting in a manner that was inconsistent with the discussion that they and I had with the T&W property owner and employees regarding the permit and compliance requirements for T&W Holdings, Palapas, and It's Five O'Clock Here as well as a PIR that I requested of Galveston County Health District regarding the permits for the Palapa Bar property and their response.

I also have firsthand knowledge of an email written by the City Attorney, Dick Gregg III, at the request of the defendant's counsel, Bill Helfand, on or about January 4, 2023, expressing extreme urgency and strong insistence to the City Council to not discuss the deposition given in this case by Mayor Carl Joiner in the city council meeting of January 4 related to the agenda item for the mayor's censure for that and other offenses, one of which alleged that the deposition contained false testimony. The email specifically stated that the City Council should not discuss or reveal this information, at least

until after the hearing in your court on January 17th; the City Council was told by Helfand that revealing this information would be damaging to the case and to the city financially. This email followed phone calls from both the city attorney and Mr. Helfand directly to the council member, Doug Meisinger, who submitted the documentation in the agenda packet (posted here) the previous Friday and following few days, asking for the documents to be pulled from the website posting. Council Member Meisinger shared with me his response to the email asking if the Council members were being asked to cover up a crime. In the following meeting, the City Attorney, while re-interviewing for the city attorney position after being dismissed by City Council, refers to this email and expresses regret that he had to send it, but that he "had no choice". I was shown this email by a city council member and the council member response.

The facts I have stated above are truthful to the best of my knowledge. I am available to testify to these facts and answer any questions under oath. Please contact me if I can be of assistance in this matter.

Respectfully,



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